

COMMITTEE AMENDMENT FORM

DATE: 7/30/08

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #08-O-1143 SECTION (S)

RESOLUTION I. D. #08-R- PARA.

AMENDS THE LEGISLATION BY ADDING ONE (1) CONDITION A SITE
PLAN RECEIVED BY THE BUREAU OF PLANNING MAY 8, 2008.

AMENDMENT DONE BY COUNCIL STAFF 7/30/08

City Council
Atlanta, Georgia

08-O-1143

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

U-08-17

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16.10.005 (1) (e) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **Nursing Home**, is hereby approved. Said use is granted to **A.G. RHODES, INC.** and is to be located at **350 Boulevard, S.E.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 21, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or map.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Condition for U-08-17 for 350 Boulevard S.E.

1. The site plan entitled "A.G. Rhodes Nursing Home" dated February 22, 2008 and received by the Bureau of Planning on May 8, 2008. This condition is not intended to restrict the application of the Grant Park Historic District regulations and other guidelines of the Urban Design Commission.

LEGEND

- 1. EXISTING BUILDING
- 2. NEW ADDITION
- 3. EXISTING DRIVEWAY
- 4. NEW DRIVEWAY
- 5. EXISTING SIDEWALK
- 6. NEW SIDEWALK
- 7. EXISTING PARKING
- 8. NEW PARKING
- 9. EXISTING FENCE
- 10. NEW FENCE
- 11. EXISTING LANDSCAPE
- 12. NEW LANDSCAPE
- 13. EXISTING UTILITY
- 14. NEW UTILITY
- 15. EXISTING EROSION CONTROL
- 16. NEW EROSION CONTROL
- 17. EXISTING SIGNAGE
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- 791. EXISTING TRUNK
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- 799. EXISTING BRANCH
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- 803. EXISTING SERVICE
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- 805. EXISTING METER
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- 807. EXISTING VALVE
- 808. NEW VALVE
- 809. EXISTING FITTING
- 810. NEW FITTING
- 811. EXISTING PIPE
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- 813. EXISTING CONDUIT
- 814. NEW CONDUIT
- 815. EXISTING TRUNK
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- 817. EXISTING MANHOLE
- 818. NEW MANHOLE
- 819. EXISTING JUNCTION
- 820. NEW JUNCTION
- 821. EXISTING TIE
- 822. NEW TIE
- 823. EXISTING BRANCH
- 824. NEW BRANCH
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- 827. EXISTING SERVICE
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- 835. EXISTING PIPE
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- 837. EXISTING CONDUIT
- 838. NEW CONDUIT
- 839. EXISTING TRUNK
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- 841. EXISTING MANHOLE
- 842. NEW MANHOLE
- 843. EXISTING JUNCTION
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- 847. EXISTING BRANCH
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- 851. EXISTING SERVICE
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- 881. EXISTING FITTING
- 882. NEW FITTING
- 883. EXISTING PIPE
- 884. NEW PIPE
- 885. EXISTING CONDUIT
- 886. NEW CONDUIT
- 887. EXISTING TRUNK
- 888. NEW TRUNK
- 889. EXISTING MANHOLE
- 890. NEW MANHOLE
- 891. EXISTING JUNCTION
- 892. NEW JUNCTION
- 893. EXISTING TIE
- 89

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Atlanta City Council

REGULAR SESSION

08-O-1134, 1135, 1136, 1137, 1138, 1139, 1140
1141, 1142, 1143, 1144, 1145, 1146,
REFER ZRB/ZONE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Smith
Faulkner
Young
Winslow

Y Archibong
Y Fauver
Y Shook
Y Muller

Y Moore
Y Martin
Y Maddox
Y Sheperd

NV Mitchell
NV Norwood
Y Willis
NV Borders

MULTIPLE

City Council
Atlanta, Georgia

08-0-1143

U-08-17

AN ORDINANCE
BY: ZONING COMMITTEE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16.10.005 (1) (e) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **Nursing Home**, is hereby approved. Said use is granted to **A.G. RHODES, INC.** and is to be located at **350 Boulevard, S.E.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 21, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or map.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 21 of the 14th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the Woodward Avenue (having a 50 foot right-of-way) and the Boulevard SE (having a variable width right-of-way), THENCE following Woodward Avenue South 89 degrees 18 minutes 20 seconds East a distance of 382.62 feet to the intersection of the Woodward Avenue and Berean Avenue (having a 40 foot right-of-way); THENCE leaving said Woodward Avenue following Berean Avenue South 01 degrees 20 minutes 44 seconds West a distance of 387.94 feet to a point; THENCE South 01 degrees 31 minutes 36 seconds West a distance of 40.00 feet to a point; THENCE departing Berean Avenue North 89 degrees 37 minutes 07 seconds West a distance of 355.53 feet to a point on Boulevard SE (having a variable width right-of-way); THENCE following said Boulevard SE North 24 degrees 11 minutes 55 seconds West a distance of 43.98 feet to a point; THENCE North 89 degrees 37 minutes 07 seconds West a distance of 2.27 feet to a point; THENCE North 00 degrees 29 minutes 56 seconds East a distance of 389.97 feet to the **TRUE POINT OF BEGINNING**.

Said tract contains Tract 1 and Tract 2, as shown on a Boundary, Topographic, and Tree Survey for A.G. Rhodes Nursing Home prepared by Travis Pruitt and Associates, dated November 20, 2007, last revised January 28, 2008, being 3.72 acres.

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City Council
Atlanta, Georgia

08-O-1145

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

U-08-19

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR THE TRANSFER OF EXCESS DEVELOPMENT
DENSITY FROM PROPERTY LOCATED AT 990
PEACHTREE STREET, N.E. (SENDING PARCEL) TO
PROPERTY LOCATED AT 1138 PEACHTREE STREET,
N.E. (RECEIVING PARCEL); AND FOR OTHER
PURPOSES.**

WHEREAS, the City Council finds that it is in the public interest to allow the owners of historic designated properties to transfer their development density to adjacent properties; and

WHEREAS, the Atlanta Historical Society, Inc. (Atlanta History Center), through its subsidiary AHA/MMH, LLC owns the entire block at 990 Peachtree Street, upon which is located the Margaret Mitchell House and Commercial Row; and

WHEREAS, the Atlanta Historical Society seeks to transfer a portion of the residential development rights from the property at 990 Peachtree Street to a receiving property located at 1138 Peachtree Street, and

WHEREAS, the sending property at 990 Peachtree Street will not be altered by the transfer of development rights; and

WHEREAS, the owners of the sending and receiving parcel will enter into an agreement within 30 days after the approval of the special permit to transfer excess development rights and shall provide the executed affidavit to the City of Atlanta Bureau of Planning and the City of Atlanta Law Department to be recorded in the real property records in the Office of the Clerk of Superior Court, Fulton County, Georgia; and

WHEREAS, the transfer of development rights will result in 19, 851 square feet of residential development to be transferred from at 990 Peachtree Street to a receiving property located at 1138 Peachtree Street.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of (Section 16-28.023 of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a Transfer of Excess Development Rights is hereby approved. Said use is granted to TP 1138 Peachtree , LLC, its successors, assigns

and all subsequent owners. The sending and receiving parcels are more particularly described by the attached legal descriptions and/or surveys.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the Special Use Permit, including the executed agreements shall be recorded with the Clerk of Superior Court of Fulton County in accordance with the provisions of Section 16-28.023 (4).

SECTION 4. That the Special Use Permit shall be recorded by the Bureau of Planning on the official zoning map (referencing both the Donor and Recipient parcels) in accordance with the provisions of Section 28.023 (4).

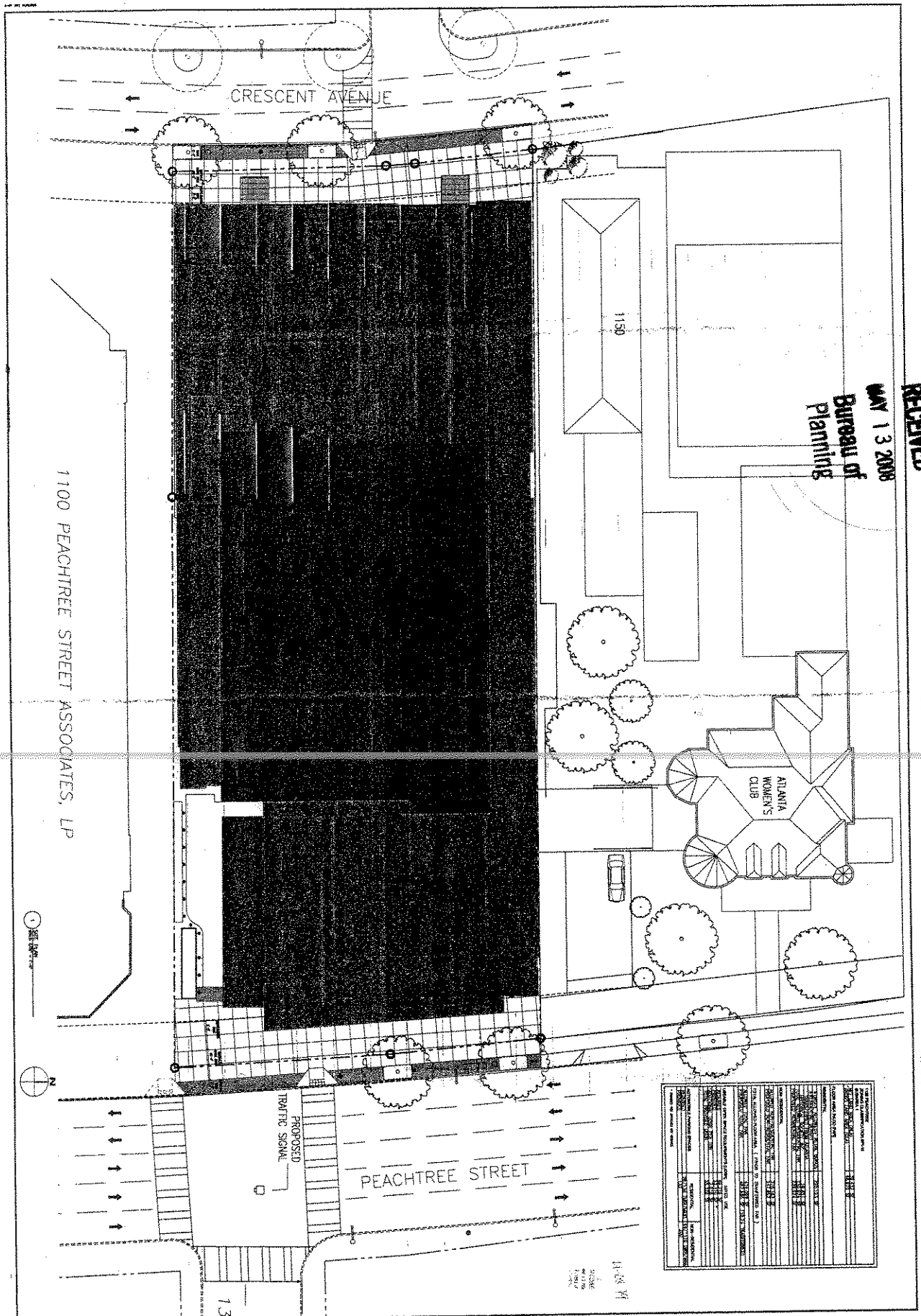
SECTION 5. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for U-08-19 for Transfer of Development Rights

Sending property: 990 Peachtree Street, N.E.

Receiving Property: 1138 Peachtree Street, N.E.

1. Site plan in concept with the plan entitled "1138 Peachtree St.," dated May 12, 2008 and received by the Bureau of Planning on May 13, 2008.
 2. All agreements, assignments and affidavits submitted with the application submitted to the Bureau of Planning on May 13, 2008 and supplemental information entitled 'TDR Rights' submitted to the Bureau of Planning on June 24, 2008 for a Special Use Permit to transfer a total of 19,851 square feet of residential development rights from 990 Peachtree Street, N.E. to 1138 Peachtree Street, N.E.
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REGULAR SESSION

08-O-1134, 1135, 1136, 1137, 1138, 1139, 1140
1141, 1142, 1143, 1144, 1145, 1146,
REFER ZRB/ZONE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y Archibong	Y Moore	NV Mitchell
Y Fauver	Y Martin	NV Norwood
Y Shook	Y Maddox	Y Willis
Y Muller	Y Sheperd	NV Borders

MULTIPLE